



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

JAN 20 2016

The Honorable John H. Quigley, Secretary
Pennsylvania Department of Environmental Protection
Rachel Carson Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063

Dear Secretary Quigley:

John

Thank you for your letter dated December 10, 2015 in response to EPA's concerns regarding Pennsylvania's FY15 Chesapeake Bay Implementation grant (CBIG) and Chesapeake Bay Regulatory and Accountability Program grant (CBRAP), as well as the 18-month Chesapeake Bay strategy and draft implementation plan that you also shared with EPA. EPA appreciates Pennsylvania's commitment to get back on-track with nutrient reduction measures necessary to achieve the Chesapeake Bay goals by virtue of the actions described in these documents. We recognize the Pennsylvania Department of Environmental Protection's (PADEP's) efforts to coordinate activities with the Pennsylvania's Department of Agriculture (PDA) and Department of Conservation and Natural Resources, as these agencies are critical to Pennsylvania's success.

Your December 10, 2015 submission, 18-month strategy and draft implementation plan contain many actions that can serve as building blocks to accelerate the pace of implementation. Namely, EPA acknowledges PADEP's commitment to:

- Demonstrate a "culture of compliance" in the agricultural sector through increased inspections;
- Ramp-up development and implementation and compliance with nutrient management and manure management plans;
- Direct existing funds to priority practices in priority watersheds to maximize the investment of available funds;
- Work with PDA to conduct joint, annual fiscal assessments to determine future needs;
- Seek additional funds and strategies to increase on-the-ground implementation of agriculture practices, including a commitment to update PADEP's nutrient trading program; and,
- Address data tracking and accounting deficiencies identified in EPA's animal agriculture assessment by standardizing reporting for both PADEP and Conservation District staff and adding systems to improve tracking of CAFO, non-CAFO and non-CAO inspections.

These commitments are positive steps to get Pennsylvania back on track.



While your 18-month strategy, draft implementation plan, and December 10, 2015 response are solid first steps towards closing the gap, EPA will be monitoring PADEP's progress closely, especially on the budget front, to ensure that the priority commitment for enhanced agriculture cost share funding via Growing Greener III is met. EPA will remain in contact with PADEP to ensure that the final implementation plan incorporates firm deadlines over the next 18 months for each action and clear outcomes or deliverables that demonstrate "reasonable assurance." We will continue to evaluate the need to re-direct grant funding, develop special grant conditions or other actions, including increasing the levels of nutrient removal from the wastewater sector.

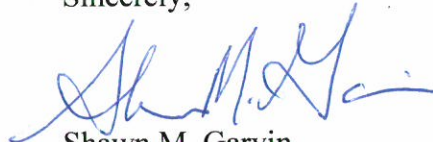
Since Pennsylvania has made a clear commitment for follow-up to the actions EPA has recommended, we will proceed with awarding the remaining available FY2015 Chesapeake Bay Program funds, subject to adding the following deliverables to the workplan which the EPA Project Officer has discussed with your staff:

- Grant workplan commitments that are consistent with those outlined in your letter for nutrient management and manure management plans;
- An evaluation of the effectiveness of your ranking process for the FY2015 cost-share program and a draft of PADEP's FY2016 competition announcement; and
- A detailed accounting of how programs outlined in Appendix #1 of your letter target agricultural implementation.

Funding will be offered once we have budget authority finalized for the new fiscal year.

I look forward to our continued discussions on these issues and if you have any questions, please do not hesitate to contact me or have your staff contact Mrs. Kinshasa Brown-Perry, EPA's Pennsylvania Liaison, at (215) 814-5404.

Sincerely,



Shawn M. Garvin
Regional Administrator